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March 2, 2009

To: Senator Eric Coleman, Co-Chairman  
Representative Brendan Sharkey, Co-Chairman  
Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 6467, AAC Smart Growth and Plans of Conservation and Development

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

**The HBA of Connecticut opposes RB 6467. The definition of smart growth is confusing, convoluted and contrary to the desires of the majority of the marketplace. The bill does not define "sprawl" nor the "high financial, social and environmental costs" to be addressed by a new state policy. It presents a top down approach to planning, rather than a coordinated approach. And OPM is not equipped to draft model zoning regulations.**

**As significant users of our land use system, the smart growth definition presents more questions than clear guidance to policy makers, the regulated community and the public. Just a few of these questions are raised here. We don't know what is meant by "social ... development" in the land use context, nor do we know what "environmental development" means in any context. Further, the redevelopment of existing infrastructure "and resources" (?) ignores the fact that working with existing infrastructure is often more complex, expensive, time consuming and disruptive of existing communities than building new infrastructure. The language that specifically promotes policies against new construction in undeveloped places is expressly contrary to the desires and needs of a majority of the marketplace for homes, jobs and places to play. This is not a sound economic development or land use policy and we urge you to delete this language.**

The definition promotes affordable and mixed income housing in close proximity to transportation and employment centers but is silent on promoting housing, affordable or not, mixed income or not, in other places, where much of the marketplace wants to be. Many smaller communities without transportation of employment centers are also in dire need of affordable and mixed income housing and are pursuing HOMEConnecticut incentive housing projects. The definition promotes mixed-use developments, which are often very difficult to achieve and impractical in many cases from a marketing and legal perspective. Finally, the definition promotes a "collaborative approach to planning," yet other provisions in RB 6467 prohibit collaborative planning with its top down approach.

**Without significantly more clarity, we urge you to delete section 2 of the bill. Section 2 declares it to be the state policy to be anti-sprawl. Yet "sprawl" is undefined. In our experience, what many advocates call sprawl, we and others see as suburban and rural communities. Does this mean the state's policy is to be anti-suburb, or anti-rural development? This makes no sense for the vast majority of the marketplace that wants to live in suburban areas and those who want to live, work and play in rural areas.**

**We understand and support the desire to provide more options for the marketplace. We have long stated that the marketplace for more urban, transit-oriented, pedestrian friendly development has been underserved. But we can and should accomplish this without declaring it to be the only type of development that is acceptable to this state. Section 2 sends a big "Get Out!" message to businesses and developers. Moreover, the "high financial, social and environmental costs" of suburban and rural communities should be identified so that more detailed and clear state policies can be debated and addressed.**

Sections 3 through 6 require the state, local and regional plans of conservation and development to incorporate the smart growth principles of section 1 (sections 4 and 5 address the same statute and seem duplicative). Under these sections, **the state plan is to be adopted first using these principles and then the local and regional plans are to follow suit.** In sections 4 to 6, the local and regional plans are to be consistent with the state plan. **This is not a "collaborative approach" to planning.** As we commented during the smart growth task group meetings and in past years, we believe the state should plan and map those matters, such as major transportation routes and utilities, major areas of environmental concern or significant or unique resources, all of which have a statewide impact. That plan would then be sent down, through RPAs and to municipal governments for them to flesh out the plan with concerns that are regional and local in nature. Local governments would determine the land uses it wants, within the context of the major state and regional issues planned for by the state and RPAs. Local governments would then send back up its fully-fleshed out plans to the state to be incorporated into the final state plan so everyone can see the details on the larger scale (i.e., everyone could see the forest and the trees). This would require a wholesale rewrite of our planning statutes, but we believe it is the only logical, collaborative and worthwhile approach to pursue. It is not weighted to be top down or bottom up but places the planning emphasis on different matters at the appropriate governmental level. Provisions for easy amendment to accommodate a changing marketplace would be critically important to overcome the deficits of any planning approach.

Finally, OPM is not equipped to write model zoning regulations. And given our concerns over the identified smart growth principles, we think it unwise to pursue this endeavor.

**In summary, the over-emphasis on and regulatory approach to "smart growth" type of development, to the exclusion of other development, would create disincentives for much of the marketplace. Connecticut's economy and its people would suffer. Rather, the state should create incentives for communities and developers to pursue "smart growth" style developments. And, the top down planning approach in RB 6467 would promote centralized planning over free markets – never a good idea.**

Thank you for the opportunity to comment on this important legislation.